

REMARKS

Claims 1-36 remain in the application although claims 15-24, 29-31 and 34 have been withdrawn from consideration as the result of the Examiner's restriction requirement.

SUMMARY OF EXAMINER INTERVIEW

The telephone conference on June 15 with Examiner Chang and Examiner's Chang's supervisor, Mr. Terrel H. Morris, and the undersigned attorney is gratefully acknowledged. The purpose of the interview was to discuss the contents of the Communication dated April 14, 2004, and in particular, the lateness of the restriction requirement. In particular, the undersigned stated that if the restriction requirement and election of species are necessary per statements contained in the Office Action of April 14, 2004, these requirements should have been made earlier in the prosecution after the amendment to the claims on September 23, 2003. Since that amendment, two actions (final rejections) were issued by the Examiner before the recent Office Action of April 14, 2004 which contains the restriction requirement. Mr. Morris indicated that, in his opinion, the restriction and species requirements at this stage are proper since the Examiner may make such requirements at any stage of the prosecution when deemed necessary by the Examiner. At the conclusion of the interview Applicants' attorney agreed to respond to the recent Office Action and to make the required elections.

RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following inventions pursuant to 35 USC §121.

- I. Claims 1-14, 35 and 36 drawn to a vinyl halide film classified in class 428, subclass 95.
- II. Claims 15-21, drawn to an adhesive article comprising a vinyl halide film and a pressure sensitive adhesive, classified in class 428, subclass 343.
- III. Claims 22-24, drawn to a plastisol, classified in class 521, subclass 73.

The Examiner has maintained a restriction requirement is necessary to clarify the subject matter of the claimed invention and to move the application forward. Further, the Examiner has maintained a restriction requirement is necessary because these inventions are distinct for the reasons given in the Communication, and they have acquired a separate status in the art as shown by their different classifications.

Applicants hereby elect the invention of Group I.

Although the Examiner indicates in item 4 on page 1 of the Communication (Office Action Summary) that "claims 1-36 is/are pending in the application", the restriction requirement does not include claims 25-34. Since claims 25-28, 32 and 33 are directed to a vinyl halide film which is the subject of Group I, Applicants are assuming that the Examiner intended to include claims 25-28, 32 and 33 with the claims listed in Group I. Accordingly, claims 25-28, 32 and 33 have been maintained in this application while claims 29-31 and 34 directed to the adhesive article of Group II have now been withdrawn. If Applicants' assumption regarding the status of claims 25-28, 32 and 33 is incorrect, the Examiner is requested to issue a new restriction requirement addressing all of the claims which are pending.

ELECTION OF SPECIES

The Examiner has required under 35 USC §121 that Applicants elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner has indicated that claims 1, 3, 7-10, 12-15, 17, 21, 22, 24, 25, 28 and 29 are generic. The Examiner also has requested that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

In response to these requirements, Applicants hereby elect species 1 which is a homopolymer of vinyl chloride. Applicants submit that claims 1-14, 25-28, 32, 33, 35 and 36 read on the elected species.

CONCLUSION

In view of the above elections and comments, the Examiner is requested to issue an action on the merits with regard to elected claims 1-14, 25-28, 32, 33, 35 and 36. An early action is solicited.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By Armand P. Boisselle
Armand P. Boisselle
Reg. No. 22,381

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113